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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,215	01/26/2004	Erich Groeger	2001P14162WOUS	2481

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EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/763,215		GROEGOR ET AL.	
	Examiner		Art Unit	
	Thomas A. Morrison		3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the (1) recited plurality of successively arranged suction heads for high items of claim 6, (2) the recited means for determining an inclined position of claim 6, (3) the recited height determination sensors of claim 7, (4) the recited height of the drive control device does not cover over all of the suction heads, and (5) the recited suction openings of claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: (1) claim 7 recites "height of the drive control device do not cover over all of the suction heads, and the negative pressures of the suction heads are partially covered over, and are not evaluated". There is insufficient antecedent basis in the specification for these limitations.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 and its dependent claims 2-8, it is unclear which limitations are intended to be claimed, in that some elements are recited in both the preamble and the body of claim 1.

Also, with regard to claim 1, it is unclear what is meant by "inclined as little as possible" and "pressure being as low as possible".

In addition, claim 1 recites "at least one suction head arranged directly downstream of the friction-type withdrawal means". This appears to be inaccurate, in that the suction head (2) of the instant application appears to be located between the ends of the belt. As such, it does not appear to be downstream of the belt.

Regarding claim 3, it is unclear what is meant by "measured values of the sensor are integrated". Are these values integrated over a certain time period?

Regarding claim 7, it is unclear what is meant by the recited "height of the drive control device do not cover over all of the suction heads, and the negative pressures of the suction heads are partially covered over, and are not evaluated."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Tomiyama et al. In particular, Tomiyama et al. meets all of the limitations of claims 1 and 8.

Regarding independent claim 1, Figs. 1-2 show an apparatus for feeding flat items (3) to a friction/suction-type separating arrangement, the items (1a) standing in a stack on a narrow side, supported by an abutment surface (2), aligned on a stop surface, and transported by a conveying means (2) moving to a withdrawal location (near 4), the friction/suction-type separating arrangement including

at least one friction-type withdrawal means (4) driven in a controlled manner,
at least one suction head (6) arranged directly downstream of the friction-type withdrawal means (4), with the at least one suction head (6) connected to a negative-pressure source (10),

a sensor (16) arranged on the suction head (6), the sensor (16) comprising means for measuring negative pressure in the suction head (6), and

a conveying means (2) and drive control device (12) therefor, the sensor (16) connected to the drive control device (12) such that the conveying means (5) may be activated in dependence on the negative pressure measured in that a foremost item at the at least one friction-type withdrawal means (4) is inclined as little as possible and with the stack pressure being as low as possible.

More specifically, Tomiyama et al. discloses that the sensor (16) measures pressure in the suction head (6), and also discloses that simultaneously the controller (12) turns on the solenoid valve (9) to provide vacuum in the suction head (6) and a next sheet fed by the conveying means (2) is drawn by the suction with the suction belt (4). See Fig. 1 and column 4, lines 50-52. In other words, at the same time, the conveying means (2) is moved, vacuum is provided to the suction head (6) and the next sheet in the stack is drawn by the belt (4), which will lower the stack pressure. When the next sheet is drawn onto the belt, this condition can be considered to be when the next sheet is inclined as little as possible. As such, the Tomiyama et al. meets the limitations of claim 1.

Regarding claim 8, Fig. 1 shows a circulating withdrawal belt (4) with suction

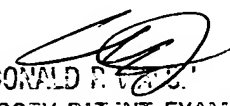
openings arranged as a friction-type withdrawal means, with the negative pressure of the downstream suction head (6) acting, via the suction openings, on the respectively foremost item (1a).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is 703-305-0554. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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